IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 1683 (SS) of 2006

Constable No. 854507432
Amar Pal Singh,
S/o late Sri Mamraj Singh,
R / o Village – Biral, Tehsil – Buddana,
District- Muzzafarnagar. **…….Petitioner.**

Versus

1. Central Industrial Security Force through its Deputy Commandant / Administrator, BHEL Unit, District – Hardwar.
2. Commandant, Central Industrial Security Force, PGCIL, Wagoora, Jammu & Kashmir.
3. Director General, Central Industrial Security Force, CGO Complex, Lodhi Road, New Delhi.

……Respondents

Hon'ble M.M. Ghildiyal, J

Heard Sri Sharad Sharma, learned counsel for the petitioner and Sri Vikas Pandey, learned standing counsel for Union of India on behalf of respondents

By means of this writ petition, the petitioner has prayed for the following reliefs:

1. *issue a writ, order or direction in the nature of Certiorari quashing the order impugned dated 30.05.2005 passed by respondent no. 1 annexed as Annexure no. 10 to the writ petition.*

2. *issue a writ order or direction in the nature of Mandamus directing the respondents to restore the electric and water connection which has been disconnected by the respondents.*

3. *issue any suitable writ, order or direction in the nature of which this Hon'ble court may deem fit and proper in the circumstances of the case.*

4. award the cost of the petition.

Vide impugned order dated 30.05.2005 passed by commandant, petitioner, who was transferred from BHEL, Hardwar to PGCIL, Wagoora, Jammu & Kashmir, was directed to vacate the premises which was allotted to him during his tenure at Hardwar by 15.06.2005 failing which the water and electricity supply will be disconnected.

The said order was challenged by the petitioner on the ground that there is provision to retain the house, in case, the person has been transferred to extreme border area or terrorist affected area. Since the petitioner has been transferred to PGCIL, Wagoora, Jammu & Kashmir, which is a terrorist affected area and is also a border area and further he has not been afforded accommodation at PGCIL, Wagoora, Jammu & Kashmir, as such, he is entitled to retain the accommodation at Hardwar.

Division Bench of this court on 25.05.2005 passed stay order in favour of the petitioner for a period of two months.

Respondents have filed supplementary affidavit, in which they have stated that on 30.10.2005, petitioner was allotted government accommodation at PGCIL, Wagoora, Jammu & Kashmir, however, petitioner has refused to accept the accommodation.

It is further stated in supplementary affidavit that order dated 23.03.1999, which provides that person who have been deputed in border area or in the terrorist affected area shall be permitted to retain the house from where they have been transferred till the accommodation is allotted at new place of posting, has already been superseded by order dated 24.03.2005.

In view of the fact that accommodation has been allotted to the petitioner at PGCIL, Wagoora, Jammu & Kashmir and order dated 24.03.2005 superseded the order 23.03.1999, writ petition fails and is liable to be dismissed.

However, considering the fact that petitioner is posted at PGCIL, Wagoora, Jammu & Kashmir and his family is residing at Hardwar and his children are studying at Hardwar, petitioner is permitted to retain the house at BHEL, Hardwar till 31.05.2007.

Sri Sharad Sharme, learned counsel for the petitioner has given undertaking that petitioner will vacate the house occupied by petitioner at Hardwar latest by 31.05.2007.

Writ petition is dismissed. Urgency application is disposed of. No order as to costs.

(M.M. Ghildiyal, J)

March 8, 2007
Sksharma